

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1 and 4-13 are pending in the present application. Claims 1 and 4-7 are amended, and Claims 2-3 canceled by the present amendment at least to better comply with standard U.S. claim practice. Claims 8-13 are added to avoid multiple dependent claiming. Claim amendments and additions find support in the application as originally filed, and thus, no new matter is added.

In the outstanding Office Action, the abstract was objected to as including informalities; and Claims 1-7 were rejected under 35 U.S.C. §102(e) as anticipated by Trossen et al. (U.S. Pat. No. 7,054,643, herein "Trossen").

With respect to the objection to the abstract, the abstract has been amended to overcome the informalities raised in the outstanding Action. Accordingly, Applicants respectfully request that the objection to the abstract be withdrawn.

Turning now to the rejection of Claim 1 under 35 U.S.C. §102(e) as anticipated by Trossen, this rejection is traversed.

Amended Claim 1, which is directed to a system, recites, in part,

a transmission method determiner configured to determine a transmission method of transmitting information in accordance with the collected reception ability value;

a transmitter configured to transmit the information to the mobile station using the determined transmission method;
and

a radio resource manager configured to manage available radio resources,

wherein the transmission method determiner determines the transmission method in accordance with the reception ability value and the available radio resources, so that a mobile station equipped with a lowest reception ability can receive the information using the determined transmission method.

Claim 4, which is directed to a radio station, recites similar features.

Trossen describes an apparatus for transmitting multicast data over a wireless channel where different mobile terminals are given different data rates based on a SNR measurement corresponding to the mobile terminal. In addition, Trossen describes that the mobile terminals are grouped together based on the SNR measurement of the terminals. Thus, two mobile terminals with a -12.5 SNR would be grouped together and two terminals with a -3.5 SNR would be grouped together. This allows the frequency spectrum to be efficiently used as terminals with like SNR measurements are grouped.

Furthermore, Trossen at column 5, lines 5-60 (generally) describes node 207 as receiving SNR measurements from the wireless terminal. The node 207 then determines the maximum data rate in accordance with the correspondence table between the maximum data rate with a certain packet error rate (PER) and measured SNR.

However, Claim 1, as amended, describes the reception ability of the mobile station as being a capability of the mobile station itself. In contrast, Trossen relies on a value that is measured by the mobile station. Moreover, Claim 1 relies upon the reception ability of the mobile station (non-limiting examples include demodulation method, reception buffer size, computing processing ability, error correction method, or interleaving length) and not the variable that depends upon radio propagation conditions such as SNR of Trossen. Therefore, Trossen fails to teach or disclose the reception ability value collector of Claim 1 that is configured to collect a reception ability value of each mobile station belonging to a specific multicast group. Likewise, it fails to determine a transmission method of transmitting information in accordance with the collective reception ability value.

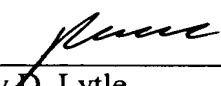
In yet another distinction, Trossen does not disclose the mobile station being equipped with a "lowest reception ability" to receive the information using the determined transmission method, as claimed. Therefore, it is respectfully submitted that Trossen does not teach or suggest all of the features of amended Claim 1 and therefore does not anticipate Claim 1.

Because Claim 4 is directed to a radio station, but otherwise includes the same provisions as discussed above with regard to Claim 1 it is respectfully submitted that amended Claim 4 also patentably defines over Trossen. Since each of Claims 5-13 depends from Claim 1 or 4, it is respectfully submitted that dependent Claims 5-13 also patentably define over Trossen.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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